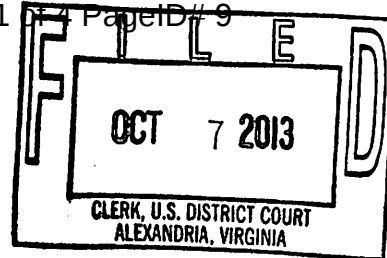


Prob 12  
(Mod. For E.VA 10/09)

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF VIRGINIA**

U.S.A. vs. Ian GaleDocket No. 1:13mj326

**Petition on Probation**

COMES NOW Elissa F. Martins, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Ian Gale, who was placed on supervision by the Honorable T. Rawles Jones, Jr. sitting in the Court at Alexandria, Virginia, on the 15<sup>th</sup> day of January, 2013, who fixed the period of supervision at one (1) year, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

-See Page 2-

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

Returnable Date: \_\_\_\_\_

**ORDER OF COURT**

Considered and ordered this 7<sup>th</sup> day of October, 2013 and ordered filed and made a part of the records in the above case.

/s/Thomas Rawles Jones, Jr.  
T. Rawles Jones, Jr.  
U.S. Magistrate Judge

*Issue warrant*  
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/3/13

Elissa F. Martins  
Elissa F. Martins  
U.S. Probation Officer  
(703) 299-2309

Place Alexandria, Virginia

TO CLERK'S OFFICE

**Petition on Probation**

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**RE: Gale, Ian**

**OFFENSE:** Driving While Intoxicated

**SENTENCE:** The defendant was placed on supervised probation for a period of one (1) year, with the following special conditions: 1) The defendant shall enter and successfully complete an alcohol education program as directed; 2) The defendant shall not operate a motor vehicle anywhere in the United States for a period of one (1) year except: a) to, from and as directly required by the defendant's employment, b) to and from the probation office, c) to and from the alcohol program, d) to and from this court, e) to and from scheduled classes, to and from medical appointments, and g) to and from Pennsylvania one time only that must be approved in advance by the probation officer; 3) The defendant shall not violate any local, state or federal traffic law; and 4) The defendant shall pay the \$100 fine, \$10 special assessment fee, and \$25 processing fee within 90 days.

On February 5, 2013, this officer submitted a Violation Report to the Court requesting no action be taken at that time. The violation outlined that Mr. Gale submitted a positive urine screen for the use of marijuana on January 29, 2013. When the undersigned met with Mr. Gale on January 29, 2013, he reported the last time he used marijuana was in the summer of 2012. He later admitted to using marijuana on or about January 13, 2013. Your Honor approved the request for no action on February 11, 2013.

On May 30, 2013, the undersigned submitted a Petition on Probation relating the defendant was in violation of his supervision. Specifically, on May 9, 2013, Mr. Gale failed to report on time for a scheduled office appointment. When this officer contacted the defendant, he related he did not wake up on time and reported into the office an hour late. On May 15, 2013, Mr. Gale failed to report for a scheduled office appointment. On May 17, 2013, Mr. Gale again reported in late for a scheduled office appointment. The petition outlined the defendant's non-compliance to satisfactorily participate in ASAP and secondary treatment as instructed.

On May 31, 2013, Your Honor issued a warrant for the defendant's arrest. On June 5, 2013, Mr. Gale self-surrendered on the warrant. He appeared before Your Honor on that date and was released on his personal recognizance with the violation hearing continued to June 11, 2013. On June 11, 2013, Mr. Gale appeared before Your Honor for a hearing on violation. Your Honor found Mr. Gale in violation of his supervision and continued him on supervision with the following modification of special conditions: 1) The defendant shall serve a period of six (6) days incarceration that can be served on an intermittent basis, at least three (3) days at a time.

**Petition on Probation**

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**RE: Gale, Ian**

ADJUSTMENT TO SUPERVISION: Mr. Gale's adjustment to supervision has been marginal. He paid the court ordered fine and fees on March 11, 2013. The defendant has chosen not to obtain a restricted operator's license and drives a moped instead. Mr. Gale was referred to the Fairfax County Alcohol Safety Action Program (ASAP). He completed the classroom portion of ASAP on July 22, 2013. The defendant is additionally required to complete Addictions Confidential Treatment (ACT), in order to successfully complete ASAP. He completed the court imposed jail sentence on August 1, 2013. Mr. Gale is employed part-time at Papa John's Pizza in Arlington, Virginia. The undersigned has addressed the defendant's non-compliance on several occasions and he has failed to provide an explanation or justification for his non-compliant behaviors.

VIOLATIONS: The following violations are submitted for the Court's consideration.

**CONDITION 2: FAILURE TO REPORT TO THE PROBATION OFFICER AS DIRECTED.**

Mr. Gale failed to report for the random urinalysis drug testing program on June 25, 2013, July 16, 2013, August 27, 2013, September 3, 2013, and September 24, 2013. When the undersigned addressed the defendant's failure to report for the code-a-phone drug testing program, he failed to provide any justification or reason for his non-compliance.

**CONDITION 3: FAILURE TO FOLLOW INSTRUCTIONS OF THE PROBATION OFFICER.**

On September 11, 2013, the undersigned attempted to conduct a home visit. The defendant was not home and this officer left a note on the door to call the undersigned. Mr. Gale failed to contact this officer. On September 19, 2013, and September 24, 2013, the undersigned left voice messages for the defendant on his cellular phone instructing him to call this officer to address non-compliance issues. Mr. Gale failed to contact this officer as instructed.

**CONDITION 10: FAILURE TO PERMIT THE PROBATION OFFICER TO VISIT AT ANY TIME AT HOME OR ELSEWHERE.**

On September 25, 2013, at approximately 11 a.m., the undersigned and Supervisory U.S. Probation Officer (SUSPO) Marden attempted to conduct a home visit at Mr. Gale's residence. A friend answered the door and related the defendant was sleeping and he would wake him up to meet with this officer. This officer and SUSPO Marden waited for approximately ten minutes. The defendant failed to come to the door, and did not permit this officer in his home.

Petition on Probation

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RE: Gale, Ian

**SPECIAL CONDITION:           FAILURE TO SATISFACTORILY PARTICIPATE IN AN  
ALCOHOL/SUBSTANCE ABUSE TREATMENT PROGRAM.**

In June 2013, Mr. Gale enrolled in outpatient substance abuse treatment with ACT. On August 12, 2013, the treatment provider informed this officer that Mr. Gale had only attended the assessment session and one group. The undersigned confronted the Mr. Gale regarding his non-compliance on August 14, 2013. On September 12, 2013, Denise Marie of ACT reported that Mr. Gale's attendance had improved. The undersigned is awaiting a response on his present compliance in treatment.

EFM/smk